

As set forth in Applicants' previous Response, Applicants further respectfully request return receipt of initialled pages 4 and 5 of the Form 1449 (copies attached) submitted on 1 May 2001. These pages were again not returned with the Office Action. Applicants respectfully request that the Examiner initial these two attached pages of the Form 1449 and return them with the next communication. Should some of the listed references not be available to the Examiner, Applicants will endeavor to supply copies at the Examiner's request.

**The Rejection of Claims 1 - 36 under 35 USC §103(a) Over JP '721
in view of Guley, and further in view of Reiner or McCabe Has Been Overcome**

Claims 1 - 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over JP '721 in view of Guley. Applicants respectfully disagree for the reasons that follow.

As acknowledged in the Office Action, JP '721 does "not teach examples of the enteric an insoluble polymers used in the first coating layer" of the invention as claimed in claim 1. According to the Office Action, Guley "teaches well known enteric and insoluble polymers for use in coating granules," (emphasis added) and one skilled in the art "would have been motivated to use any of the insoluble polymers [or] enteric polymers disclosed by Guley in the first coating layer disclosed by JP '721."

Guley is directed to a sustained release pharmaceutical composition having a compressed core comprised of drug and water soluble polymers and/or water insoluble polymers. This compressed core is then coated with a seal coating, then the seal-coated core is coated with a sugar coating.

In particular, Applicants wish to emphasize that Guley is silent regarding suitable coatings for particles. Rather, Guley is directed to providing coatings on to pharmaceutical core tablets, as opposed to providing a coating to an individual particle that may subsequently be combined with other particles to form a tablet core. See Guley, column 2, lines 22 – 26 and column 3, lines 12 – 14 and lines 55 – 59 (a compressed core, which may have a weight of 360 mg, is coated with about 15 – 20 mg of a seal coating of enteric and non-enteric film forming materials).

By contrast, the present invention is directed to texture masked particles. The particles of the present invention are significantly smaller than conventional tablets, and, for example, may have an average diameter ranging from about 50 microns to about 500 microns. See Specification, page 7, lines 1 – 3.

Thus, Applicants respectfully submit that there is neither a disclosure nor a suggestion in Guley as to the use of its coatings on particles, let alone a disclosure or suggestion as to the process for coating such particles.

In sum, because the combination of references fail to disclose or suggest the use of the claimed tastemasking coating on a particle, Applicants respectfully submit that the rejection of independent claim 1 and independent claim 31 under 35 USC §103(a) has been overcome and should be withdrawn.

Applicants further respectfully submit that the rejection of claims 2 – 30, which are dependent upon claim 1 and contain all of its limitations therein, and claims 32 – 36, which are dependent upon claim 31 and contain all of its limitations therein, have been overcome and should be withdrawn for similar reasons.

Conclusion

It is submitted that the foregoing amendments and remarks place the case in condition for allowance. A notice to that effect is earnestly solicited.

Respectfully submitted,
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Att.

- 1) Copies of Pages 4 and 5 of Form 1449

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